

OLD RECORD COPY

FOIA

General

MEMORANDUM FOR: Director of Central Intelligence

FROM: Frederick P. Hitz
Legislative Counsel

SUBJECT: Freedom of Information Act (FOIA) Amendments
Proposed by Representative Samuel L. Devine (R., Ohio)

1. Action Requested: None; this is for your information only.
2. Background: Representative Devine has recently proposed legislation which will, if enacted, amend certain portions of the FOIA. The bill, H.R. 13040, seeks six substantive changes to the current Act:

--Ten days compliance time for responding to FOIA requests extended to thirty days.

--Ten days extension time lengthened to fifteen days.

--U.S. District Court given authority to extend further, at Agency request, time periods as stated above if volume necessitates.

--Costs for Document Review may be charged, unlike the present FOIA, when such costs exceed \$100.

--Bill tries to lessen court discretion re in camera examination of documents for determination of proper classification.

--Agency Protection of Investigatory Records simplified (these have primary applicability to the FBI and other law enforcement agencies).

Although the above cited changes are fewer and less far reaching than we would like them to be, they are, in a number of respects, quite helpful. The time extensions, although still relatively short, are beneficial, making it more likely that, at least in simple cases, the Agency will have a better chance of responding in a timely fashion.

Moreover, the ability to charge for Document Review will result in a not insignificant savings to the Agency as the majority of man-hours are currently expended in review rather than search. A perhaps unintended side benefit of this charge provision might well be a decrease in the number of omnibus requests which we currently receive. It is our belief that once requesters realize that they will be charged for the hours involved in processing massive requests, many will refrain from requesting or turn to alternative sources of information.

While it is unlikely that this proposal will be enacted this session, Representative Devine's bill is helpful insofar as it demonstrates a certain degree of congressional recognition of the FOIA's administrative problems. It also helps build a record for future substantive changes to the Act.

On the topic of substantive changes, in preliminary discussions OMB has expressed a willingness to study coordinated and comprehensive amendments to the Act. We are also examining the possibility of suggesting to Representative Devine additional remedial language which would be of benefit to the Agency.

SIGNED

Frederick P. Hitz

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ROUTING AND RECORD SHEET

General

SUBJECT: (Optional)			
FROM: <div></div>		EXTENSION: <div></div>	NO. <div>010-120000-1075</div>
Deputy Legislative Counsel		DATE: 13 July 1978	25X1
TO: (Officer designation, room number, and building)	DATE	OFFICER'S INITIALS	COMMENTS (Number each comment to show from whom to whom. Draw a line across column after each comment.)
	RECEIVED	FORWARDED	
1. <div></div> IC Staff			<div>FOIA</div> <div>Per our conversation.</div> <div>2607</div> <div>Extract from "Federal Register" of 1977 on Privacy Act.</div>
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PRIVACY ACT OF 1974
Systems of Records: Annual Publication
Approved For Release 2005/03/24 : CIA-RDP81M00980R000200020039-6

The purpose of this document is to give notice that the Central Intelligence Agency systems of records as published in the Federal Register at 41 FR 37692 through 37716 dated September 7, 1976 continue in effect, except as changed in the notice published in the Federal Register at 42 FR 24759, 24760, 24761 dated May 16, 1977. Also, notice is hereby given that the following Central Intelligence Agency systems of records, subject to the Privacy Act, are amended. A change in Storage is stated for CIA-8. NARS (GSA) has approved the Retention and Disposal schedules for CIA records systems 4, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 24, 27, 28, 32, 38, 39, 40, 43, 44, 46, 47, 53, and 59. In addition, all systems of records, except CIA-21, are amended to show a new title to whom inquiries should be sent in the Notification Procedure section. These amendments are effective upon date of publication in the Federal Register. Two new records systems, CIA-60 and 61, are proposed and shall become active, in the absence of any negative comments from the public, on or before October 25, 1977. Any data, views, or arguments concerning these new systems of records may be submitted in writing to the Information and Privacy Coordinator, Central Intelligence Agency, Washington, D.C. 20505.

Michael J. Malanick,
Acting Deputy Director for Administration.

STATEMENT OF GENERAL ROUTINE USES

The following routine uses apply to, and are incorporated by reference into, each system of records set forth below.

1. In the event that a system of records maintained by the Central Intelligence Agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether Federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

2. A record from this system of records may be disclosed, as a routine use, to a Federal, state or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary to obtain information relevant to a Central Intelligence Agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, or the letting of a contract.

3. A record from this system of records may be disclosed, as a routine use, to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

4. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.

5. A record from this system of records may be disclosed to the Office of Management and Budget in connection with the review of private release legislation as set forth in OMB Circular No. A-19 at any stage of the legislative coordination and clearance process as set forth in that Circular.

6. A record from a system of records may be disclosed as a routine use to NARS (GSA) in records management inspections conducted under authority of 44 U.S.C. 2904 and 2906.

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CIA-1

System name: Applications Tracking System.

System location:

Central Intelligence Agency
 Washington, D.C. 20505.

Categories of individuals covered by the system: Agency and contract employees, employees of contractor supporting Office of Data Processing, currently or formerly assigned to computer software development or maintenance projects in Applications.

Categories of records in the system: Documentation of hours logged on each assigned programming or overhead project.

Authority for maintenance of the system: Section 506(a), Federal Records Act of 1950 (44 U.S.C., Section 3101).

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: Used by Applications staff for periodic reporting to management man-hours expended to develop assigned programming projects and overhead hours. Used for tracking the usage and scheduling of all resources for developing software.

Used to substantiate hours spent by contractor personnel on billable contractual activity.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system: